

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:

CHAPTER 13

WILLIAM BERSHARD TERRELL
SSN: xxx-xx-4661
CORA SUE TERRELL
SSN: xxx-xx-2237

CASE NO.: 19-81573-CRJ-13

Debtors,

**DEBTOR'S SUBMISSION OF PRE-CONFIRMATION
AMENDMENT TO CHAPTER 13 BANKRUPTCY PLAN**

COMES NOW the Debtors, WILLIAM BERSHARD TERRELL and CORA SUE TERRELL, and hereby submit their pre-confirmation amendment to Chapter 13 Plan and as grounds therefore would show as follows:

1. The Debtors are amending Section 4.4 to reflect the correct creditor for the priority claim.
2. Attached hereto is the Debtor's Amended Chapter 13 Plan which the Debtors pray would be ratified and confirmed by this Honorable Court.

/s/ William Bershard Terrell

WILLIAM BERSHARD TERRELL, Debtor

/s/ Cora Sue Terrell

CORA SUE TERRELL, Debtor

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.
Attorney for Debtors
908-C North Memorial Parkway
Huntsville, AL 35801
Phone: (256) 533-5097

CERTIFICATE OF SERVICE

The undersigned certifies that on August 1, 2019, a copy of the foregoing has been served upon the following by depositing copies of same in the United States mail, properly addressed and postage prepaid, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a Notice of Electronic Filing.

Hon. Michele T. Hatcher, Trustee
PO Box 2388
Decatur, AL 35602

And to all parties listed on the Debtor's Mailing Matrix as attached hereto.

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.

Label Matrix for local noticing
1126-8
Case 19-81573-CRJ13
NORTHERN DISTRICT OF ALABAMA
Decatur
Thu Aug 1 16:19:01 CDT 2019

Capital One Bank (USA), N.A.
PO Box 60599
City of Industry, CA 91716-0599

Eastern Account System
75 Glen Rd Ste 310
Sandy Hook, CT 06482-1175

Infinity Safeguard Insurance Co.
2201 4th Ave. N.
Birmingham, AL 35203-3863

Perfection Collection
313 E 1200 S 102
Orem, UT 84058-6910

(p)TMX FINANCE LLC FORMERLY TITLEMAX
15 BULL STREET
SUITE 200
SAVANNAH GA 31401-2686

Vivint
4931 North 300 West
Provo, UT 84604-5816

G. John Dezenberg Jr.
Dezenberg & Smith, PC
908-C N Memorial Parkway
Huntsville, AL 35801-5813

U. S. Bankruptcy Court
400 Well Street
P. O. Box 2775
Decatur, AL 35602-2775

Credit Collection Services
PO Box 607
Norwood, MA 02062-0607

Franklin Collection Service
2978 W. Jackson St.
Tupelo, MS 38801-6731

Midland Funding LLC
PO Box 2011
Warren, MI 48090-2011

State of Alabama
50 North Ripley Street
Montgomery, AL 36130-1001

Village Capital & Investment
1 Corporate Dr., Ste 360
Lake Zurich, IL 60047-8945

WOW Cable
2401 10th St
Huntsville, AL 35805-4057

Michele T. Hatcher
Chapter 13 Trustee
P.O. Box 2388
Decatur, AL 35602-2388

Ben L Zarzaur
PO Box 11366
Birmingham, AL 35202-1366

Dovenmuehle Mortgage
2863 St. Rose Parkway
Henderson, NV 89052-4806

Huntsville ER Physicians Group
PO Box 11407 DRW 141
Birmingham, AL 35246-0141

Midland Funding, LLC
2365 Northside Dr. 300
San Diego, CA 92108-2709

TitleMax
1919 Jordan Lane NW
Huntsville, AL 35816-1541

Village Capital & Investment, LLC
Bankruptcy Department
2863 St Rose Parkway
Henderson, NV 89052-4806

Cora Sue Terrell
3016 Forsythe Dr.
Huntsville, AL 35810-2724

William Bershard Terrell
3016 Forsythe Dr.
Huntsville, AL 35810-2724

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

TitleMax of Alabama, INC.
15 Bull Street, Suite 200
Savannah, GA 31401

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Village Capital & Investment

End of Label Matrix	
Mailable recipients	23
Bypassed recipients	1
Total	24

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

Fill in this information to identify your case:

Debtor 1	William Bershard Terrell		
	Name: First	Middle	Last
Debtor 2	Cora Sue Terrell		
(Spouse, if filing)	Name: First	Middle	Last
Case number: (If known)	19-81573		

Check if this is an amended plan ☒
Amends plan dated: 5/22/19

Chapter 13 Plan

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules, administrative orders, and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies. Your failure to check a box that applies renders that provision ineffective.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the confirmation hearing, unless otherwise ordered. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is made. See Bankruptcy Rule 3015. In addition, a proper proof of claim must be filed in order to be paid under this plan.

The following matters may be of particular importance to you. Debtor(s) must check each box that applies. Debtor(s)' failure to check a box that applies renders that provision ineffective.

☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, § 3.2, which may result in a partial payment or no payment at all to the secured creditor.

☐ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, § 3.4.

☐ The plan sets out nonstandard provision(s) in Part 9.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$150 per **Month** for **40** months

\$459 per **Month** for **20** months

Debtor(s) shall commence payments within thirty (30) days of the petition date.

2.2 Regular payments to the trustee will be made from future income in the following manner (check all that apply):

☒ Debtor(s) will make payments pursuant to a payroll deduction. Debtor(s) request a payroll deduction be issued to:
Huntsville Hospital

☐ Debtor(s) will make payments directly to the trustee.

☐ Other (specify method of payment)

2.3 Income tax refunds and returns. Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee income tax refunds received during the plan term, if any.
- ☐ Debtor(s) will treat income tax refunds as follows:
- ☐ Debtor(s) believe they are not required to file income tax returns and do not expect to receive tax refunds during the plan term.

2.4 Additional Payment Check all that apply.

- ☒ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

2.5 Adequate Protection Payments

Any adequate protection payments shall be made as part of this plan; see Part 3 or Part 9 for details. The secured creditor must file a proof of claim in order to receive payment. Unless otherwise ordered, adequate protection payments through the trustee shall be made as funds are available after the proof of claim is properly filed.

Part 3: Treatment of Secured Claims**3.1 Maintenance of payments and cure of defaults, if any, on long-term secured debts. Check one.**

- ☐ None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ Debtor(s) or trustee will maintain the current contractual installment payments on the secured claims listed below. These payments will be disbursed either by the trustee or paid directly by Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee. Unless otherwise ordered, the amounts listed on a proof of claim, amended proof of claim, or notice of payment change control over any contrary amounts listed below as to the estimated amount of the creditor's total claim, current installment payment, and arrearage.

Name of Creditor	Collateral	Estimated Amount of Creditor's Total Claim	Current Installment Payment (including escrow)	Amount of Arrearage (if any)	Months Included in Arrearage	Monthly Fixed Payment on Arrearage	Monthly Fixed Payment on Arrearage to Begin
Dovenmuehle Mortgage	3016 Forsythe Dr. Huntsville, AL 35810 Madison County	\$70,113.00	\$586.00 Disbursed by: Debtor To Begin: 6/2019	\$1,172.00	2	\$26.00	

3.2 Request for valuation of security, claim modification, and hearing on valuation. Check one.

- ☒ None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506 and fully secured claims. Check one.

- ☐ None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
- ☒ The claims listed below:
- were incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of Debtor(s), or
 - were incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value, or
 - are fully secured.
- These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee as specified below. Unless otherwise ordered, the status and amount stated on a proof of claim or amended proof of claim controls over any contrary amount listed below as to the estimated amount of the creditor's total claim, but the interest rate is controlled by the plan.

The holder of any claim listed below will retain the lien until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge under 11 U.S.C. § 1328(a), at which time the lien will terminate and be released by the creditor.

Name of Creditor	Monthly Adequate Protection Payment	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Interest Rate	Monthly Fixed Payment to Creditor	Monthly Fixed Payment to Begin
TitleMax	\$15.00	\$1,172.00	2001 Ford Expedition	\$1,172.00	6.50%	\$30.00	
TitleMax	\$15.00	\$1,323.00	2005 Nissan Maxima	\$1,323.00	6.50%	\$32.00	

3.4 Section 522(f) judicial lien and nonpossessory, nonpurchase-money ("Non-PPM") security interest avoidance. Check all that apply.☒ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**3.5 Surrender of collateral. Check one.**☒ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.**Part 4: Treatment of Fees and Priority Claims****4.1 General**

Trustee's fees will be paid in full. Except as set forth in § 4.5, allowed priority claims also will be paid in full, without interest.

4.2 Chapter 13 case filing fee. Check one.

- ☒ Debtor(s) intend to pay the Chapter 13 case filing fee through the plan.
☐ Debtor(s) intend to pay the Chapter 13 case filing fee directly to the Clerk of Court.

4.3 Attorney's fees.

The total fee requested by Debtor(s)' attorney is **\$1,800.00**. The amount of the attorney fee paid prepetition is **\$0.00**.
 The balance of the fee owed to Debtor(s)' attorney is **\$1,800.00**, payable as follows (check one):

- ☐ \$ at confirmation and \$ per month thereafter until paid in full, or
☒ in accordance with any applicable administrative order regarding fees entered in the division where the case is pending.

4.4 Priority claims other than attorney's fees and domestic support obligations. Check one.

- ☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
☒ The other priority claims are listed below. Unless otherwise ordered, the amount of the creditor's priority claim listed on the proof of claim or amended proof of claim controls over any contrary amount listed below.

Name of Creditor	Estimated Amount of Claim to be Paid	Monthly Fixed Payment, if any, to Creditor	Monthly Fixed Payment, if any, to Begin
Madison County Circuit Court	\$1,769.00		

4.5 Domestic support obligations. Check one.☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.**Part 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata.

5.2 Percentage, Base, or Pot Plan. Check one.
☐
☐
☐
☒

100% Repayment Plan. This plan proposes to pay 100% of each allowed nonpriority unsecured claim.

Percentage Plan. This plan proposes to pay _____% of each allowed nonpriority unsecured claim.

Pot Plan. This plan proposes to pay \$_____, distributed pro rata to holders of allowed nonpriority unsecured claims.

Base Plan. This plan proposes to pay \$ 15,180.00 to the trustee (plus any tax refunds, lawsuit proceeds, or additional payments pursuant to §§ 2.3 and 2.4). Holders of allowed nonpriority unsecured claims will receive the funds remaining, if any, after disbursements have been made to all other creditors provided for in this plan**5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.**5.4 Maintenance of payments and cure of any default on long-term nonpriority unsecured claims. Check one.**☒ None. If "None" is checked, the rest of § 5.4 need not be completed or reproduced.**5.5 Other separately classified nonpriority unsecured claims. Check one.**☒ None. If "None" is checked, the rest of § 5.5 need not be completed or reproduced.**Part 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed, will be treated as specified, and any defaults cured. Check one.**☒ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.**6.2 The executory contracts and unexpired leases listed below are rejected: Check one.**☐ None. If "None" is checked, the rest of § 6.2 need not be completed or reproduced.☒ Rejected items.

Name of Creditor	Description of Leased Property or Executory Contract
Vivint	Security Service Contract - Reject

WOW Cable	Cable Service Contract - Reject
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Part 7: Sequence of Payments**7.1 Unless otherwise ordered, the trustee will make the monthly payments required in Parts 3 through 6 in the sequence of payments set forth in the administrative order for the division in which this case is pending.****Part 8: Vesting of Property of the Estate****8.1 Property of the estate will vest in Debtor(s) (check one):**

- ☒ Upon plan confirmation.
- ☐ Upon entry of Discharge

Part 9: Nonstandard Plan Provisions☒ None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Debtor **William Bershard Terrell**
Cora Sue Terrell

Case number **19-81573**

Eff (01/01/2019)

Part 10: Signatures:

Signature(s) of Debtor(s) required.

Signature(s) of Debtor(s) (required):

X /s/ William Bershard Terrell
William Bershard Terrell

Date **8/1/19**

X /s/ Cora Sue Terrell
Cora Sue Terrell

Date **8/1/19**

Signature of Attorney for Debtor(s):

X /s/ G. John Dezenberg, Jr.
G. John Dezenberg, Jr. ASB-3786-R78G
908-C North Memorial Pkwy
Huntsville, AL 35801
256-533-5097

Date **8/1/19**

Name/Address/Telephone/Attorney for Debtor(s):

By filing this document, Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in this district's Local Form, other than any nonstandard provisions included in Part 9.

**United States Bankruptcy Court
Northern District of Alabama**

In re William Bershard Terrell
Cora Sue Terrell

Debtor(s)

Case No. 19-81573
Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2019, a copy of Debtor's Amended Chapter 13 Plan was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

Ben L Zarzaur
Capital One Bank (USA), N.A.
Credit Collection Services
Dovenmuehle Mortgage
Eastern Account System
Franklin Collection Service
Huntsville ER Physicians Group
Infinity Safeguard Insurance Co.
Madison County Circuit Court
Midland Funding, LLC
Perfection Collection
State of Alabama
TitleMax
TitleMax
Village Capital & Investment
Vivint
WOW Cable

/s/ G. John Dezenberg, Jr.

G. John Dezenberg, Jr. ASB-3786-R78G
Dezenberg & Smith, P.C.
908-C North Memorial Pkwy
Huntsville, AL 35801
256-533-5097 Fax: 256-533-0068
dezlaw@bellsouth.net